

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 09-cr-79- 02-PB

Ernie Martinez

Re: Document No. 76, MOTION to Appoint Counsel for appeal

Ruling: Denied. Defendant must request the United States Court of Appeals for the First Circuit to appoint counsel pursuant to the rules of that court, which provide, in relevant part:

Rule 46.5 **(b) Appointment of Counsel.** *The court may appoint counsel who represented the person in the district court, or counsel from a panel maintained by the court, or otherwise. The addition or deletion of names from the panel and the selection of counsel shall be the sole and exclusive responsibility of the court but the actual administration thereof may be conducted by the clerk of this court. The person may ask for appointment of counsel who represented the defendant in the district court or for the nonappointment of such counsel, but shall not otherwise request any specific individual. The court shall give consideration to such request, but shall not be bound by it. A request for relief by trial counsel, upon a showing of cause, shall be given due consideration. It is recognized that counsel on appeal may require different qualifications than for trial. The substitution of counsel on appeal shall not in any way reflect upon the ability or upon the conduct of prior counsel. The Administration Office shall be notified promptly of each appointment, and of each order releasing counsel.*

As a convenience only, the Clerk shall forward defendant's motion to the Clerk, United States Court of Appeals for the First Circuit.

/s/ Paul Barbadoro
Paul Barbadoro
District Court Judge

Date: January 11, 2010

cc: Counsel of Record
Ernie Martinez